

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

RECEIVED**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

FEB 03 2023

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Howard Grant)
_____))
_____))
_____))
Plaintiff(s),)
_____))
v.)
_____))
Nolan Logistics)
_____))
_____))
Defendant(s).)

Case # 1:23-cv-00670
Judge John J. Tharp, Jr
Magistrate David Weisman
Random Assignment

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Howard Grant of the
county of Kankakee in the state of IL.
3. The defendant is Nolan Logistics, whose
street address is 131 E. Court Ave. Suite 200,
(city) Jeffersonville (county) Will (state) IN (ZIP) 47130
(Defendant's telephone number) (812) - 282-7556
4. The plaintiff sought employment or was employed by the defendant at (street address)
1023 E. Laraway Road (city) Joliet
(county) Will (state) IL (ZIP code) 60433

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) July, (day) 12, (year) 2021.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☐ the United States Equal Employment Opportunity Commission, on or about (month) _____ (day) _____ (year) _____.
 - (ii) ☒ the Illinois Department of Human Rights, on or about (month) October (day) 10 (year) 2021.
- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

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defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) October (day) 10 (year) 2021

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) April
(day) 5 (year) 2022.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☒ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☒ Yes ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) January (day) 3 (year) 2023 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
 - (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
 - (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
 - (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the ADA by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).
12. The defendant [***check only those that apply***]
- (a) ☐ failed to hire the plaintiff.
 - (b) ☐ terminated the plaintiff's employment.
 - (c) ☐ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☒ failed to stop harassment;
 - (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☒ other (specify): Respondent constructed a work environment so intolerable that no

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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reasonable minded person could continue to work effectively within such an environment.

Consequently, I had no alternative but to resign from respondent on September 3 2021.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Respondent refused to pay me for overtime hours worked. Refused to repair the ignition switch
in the truck I used or provide an equivalent rental truck so I could perform my job duties.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): pay \$750,000 judgment

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- _____
- _____
- _____
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☐ Grant such other relief as the Court may find appropriate.

Howard Grant
(Plaintiff's signature)

Howard Grant
(Plaintiff's name)

695 Laurel Rd.
(Plaintiff's street address)

(City) Manteno (State) IL (ZIP) 60950

(Plaintiff's telephone number) (708) – 224-1203

Date: February 3 2023

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S. Dearborn Street
Chicago, Illinois 60604
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 12/28/2022

To: Howard Grant
695 Laurel Road
Manteno, IL 60950

Charge No: 21B-2022-00483

EEOC Representative and email:

Sherice Galloway
Manager / State, Local & Tribal
sherice.galloway@eeoc.gov

DISMISSAL OF CHARGE

The EEOC is closing this charge because Charging Party Opted out to commence suit in court.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On Behalf of the Commission:

Digitally Signed By: Julianne Bowman
12/28/2022

Julianne Bowman
District Director

Cc:

NOLAN LOGISTICS
c/o Megan B. Barker, Esq.
Stiltes & Harbison, PLLC
400 W. Market Street, Suite 1800
Louisville, KY 40202

**STATE OF ILLINOIS
DEPARTMENT OF HUMAN RIGHTS**

IN THE MATTER OF:

HOWARD GRANT

COMPLAINANT,

AND

NOLAN LOGISTICS

RESPONDENT.

)
)
)
)
)
)
)
)
)
)
)

CHARGE NO.: 2022CA1047

EEOC NO.: 21BA20483

OPT OUT REQUEST FORM

I hereby request to opt out of the investigation and administrative processing of my charge filed against the above-named Respondent with the Illinois Department of Human Rights ("IDHR") (Charge Number 2022CA1047) and the Federal Equal Employment Opportunity Commission ("EEOC") (Charge Number 21BA20483) if applicable.

I request that the Director of IDHR issue a Notice of Opt Out of IDHR's Investigation and Administrative Process, and of Right to Commence an Action in the Appropriate Circuit Court or Other Appropriate Court of Competent Jurisdiction. ("Notice of Opt Out").

I acknowledge that by signing this form and requesting to opt out of IDHR's investigation, the IDHR will cease the investigation and administratively close the charge, and that I have 90 days from the receipt of the Notice of Opt Out to commence an action in the appropriate Circuit Court or other court of competent jurisdiction.

Howard Grant
Signature

5-5-22
Date

STATE OF ILLINOIS)

) ss

COUNTY OF COOK)

CHARGE NO. 2022CA1047

AFFIDAVIT OF SERVICE

Osmin Villalpando, deposes and states that s/he served a copy of the attached **NOTICE OF OPT OUT OF THE INVESTIGATIVE AND ADMINISTRATIVE PROCESS, RIGHT TO COMMENCE AN ACTION IN CIRCUIT COURT OR OTHER APPROPRIATE COURT OF COMPETENT JURISDICTION, AND ORDER OF ADMINISTRATIVE CLOSURE** on each person named below by depositing the same on May 20, 2022, in the U.S. Mail Box at 555 West Monroe Street, Chicago, Illinois, properly posted for FIRST CLASS MAIL, addresses as follows:

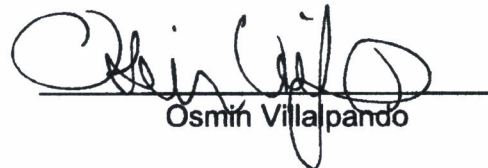
For Complainant

Howard Grant
695 Laurel Rd
Manteno, IL 60950

For Respondent

Megan B. Barker
Stites & Harbison, PLLC
400 W. Market St
Suite 1800
Louisville, KY 40202

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.


Osmin Villalpando

PLEASE NOTE:

The above-signed person is responsible only for mailing these documents. Illinois Department of Human Rights' staff are not permitted to discuss the investigation findings once a Notice of Dismissal or Order of Closure has been issued.

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

23. [Illegible]

24. [Illegible]

25. [Illegible]

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

22M1006.09

AGENCY☒ IDHR☐ EEOC**CHARGE NUMBER**

2022CA1047

Illinois Department of Human Rights and EEOC

NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.)

Howard Grant

TELEPHONE NUMBER (include area code)

(708) 224-1203

STREET ADDRESS

695 Laurel Rd.

CITY, STATE AND ZIP CODE

Manteno, Illinois 60950

DATE OF BIRTH

July 13, 1950

MM / DD / YYYY

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME OF RESPONDENT

Nolan Logistics

NUMBER OF
EMPLOYEES,
MEMBERS 15+

TELEPHONE NUMBER (include area

(812) 282-7556

STREET ADDRESS

131 E. Court Ave, Suite 200

CITY, STATE AND ZIP CODE

Jeffersonville, Indiana 47130

COUNTY

Will

CAUSE OF DISCRIMINATION BASED ON:

Age Race Retaliation

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)

July 12, 2021 – September 3, 2021

☐ CONTINUING ACTION

THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:

DEPT. OF HUMAN RIGHTS
INTAKE DIVISIONSEE ATTACHED

APR 05 2022

RECEIVED

BY: _____

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MTS

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that the undersigned verily believes the same to be true. [735 ILCS 5/1-109]

x Howard Grant 4-2-2022
SIGNATURE OF COMPLAINANT DATE

Charge Number: 2022CA1047

Complainant: Howard Grant

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I. A. ISSUE/BASIS

HARASSMENT; HOSTILE WORK ENVIRONMENT – JULY 12, 2021, THROUGH AUGUST 31, 2021, DUE TO AGE

B. PRIMA FACIE ALLEGATIONS

1. My age at the time of harm was 70.
2. My performance as Spotter met Respondent's legitimate expectations. I worked as Respondent's clement SRC Logistics, located at 1023 E. Laraway Rd Joliet, IL, 60433
3. From July 12, 2021, through August 31, 2021, I was harassed in Respondent's workplace by Wayne Nolan, Owner, and Darryl Peoples, Spotter in that:
 - a. On July 12, 2021, Nolan called my stepson Steven McKenzie, instead of calling me directly to offer me employment.
 - b. On July 21, 2021, I send Nolan a text message to ask if I was hired, he replied "Yeah if you can do it".
 - c. On July 27, 2021, Nolan sent me a text message that implied that he planned to replace Peoples.
 - d. From August 3, 2021, through August 5, 2021, Nolan did not provide me with access codes so I could access the Paycor, payroll service to look at my paycheck stubs.
 - e. On August 6, 2021, Nolan still had not provided me the access code I had to threaten to quit before he provided it.
 - f. On August 23, 2021, Peoples' demeanor towards me became hostile.
 - g. Peoples began attempting to implead my job performance by putting an empty trailer in front of loaded trailers making it difficult for me to move loaded trailers to the appropriate dock.
 - h. Peoples would block the main driveway when he was backing up a trailer to a loading dock which meant I had to wait for him to finish.
 - i. August 31, 2021, Peoples sabotage the ignition of my truck so that the key would break off in the on position thus making me unable to start the truck.
 - j. From August 31, 2021, through September 3, 2021, Nolan refused to repair the ignition switch on my truck or rent a suitable replacement truck thus locking me out of work. A truck ignition switch is a common part that can be easily procured and installed by a mechanic in 20 minutes.
4. Respondent treated similarly situated employees under the age of 40 or those significantly younger than me, were treated more favorably.

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Complainant: Howard Grant

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II. A. ISSUE/BASIS

HARASSMENT; HOSTILE WORK ENVIRONMENT – JULY 12, 2021, THROUGH AUGUST 31, 2021, DUE TO RACE

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. My performance as Spotter met Respondent's legitimate expectations. I worked as Respondent's clement SRC Logistics, located at 1023 E. Laraway Rd Joliet, IL, 60433.
3. From July 12, 2021, through August 31, 2021, I was harassed in Respondent's workplace by Wayne Nolan, Owner, and Darryl Peoples, Spotter in that:
 - a. On July 12, 2021, Nolan called my stepson Steven McKenzie, instead of calling me directly to offer me employment.
 - b. On July 21, 2021, I send Nolan a text message to ask if I was hired, he replied "Yeah if you can do it".
 - c. On July 27, 2021, Nolan sent me a text message that implied that he planned to replace Peoples.
 - d. From August 3, 2021, through August 5, 2021, Nolan did not provide me with access codes so I could access the Paycor, payroll service to look at my paycheck stubs.
 - e. On August 6, 2021, Nolan still had not provided me the access code I had to threaten to quit before he provided it.
 - f. On August 23, 2021, Peoples' demeanor towards me became hostile.
 - g. Peoples began attempting to implead my job performance by putting an empty trailer in front of loaded trailers making it difficult for me to move loaded trailers to the appropriate dock.
 - h. Peoples would block main driveway when he was backing up a trailer to a loading dock which meant I had to wait for him to finish.
 - i. August 31, 2021, Peoples sabotage the ignition of my truck so that the key would break off in the on position thus making me unable to start the truck.
 - j. From August 31, 2021, through September 3, 2021, Nolan refused to repair the ignition switch on my truck or rent a suitable replacement truck thus locking me out of work. A truck ignition switch is a common part that can be easily procured and installed by a mechanic in 20 minutes.
4. Respondent treated similarly situated employees under the age of 40 or those significantly younger than me, were treated more favorably.

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Complainant: Howard Grant

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III. A. ISSUE/BASIS

RETALIATION – AUGUST 23, 2021, THROUGH AUGUST 31, 2021, IN RETALIATION FOR OPPOSING UNLAWFUL DISCRIMINATION

B. PRIMA FACIE ALLEGATIONS

1. On August 23, 2021, I participated in a protected activity when I told my coworker Darryl Peoples, that we should file a discrimination case against Wayne Nolan, Owner, due to unequal pay issues. I believe that Peoples told Nolan that I was planning on filing a discrimination charge against him.
2. From August 23, 2021, through August 31, 2021, I was harassed in Respondent's workplace by Peoples and Nolan in that:
 - a. On August 23, 2021, Peoples' demeanor towards me became hostile.
 - b. Peoples began attempting to implead my job performance by putting an empty trailer in front of loaded trailers making it difficult for me to move loaded trailers to the appropriate dock.
 - c. Peoples would block the main driveway when he was backing up a trailer to a loading dock which meant I had to wait for him to finish.
 - d. August 31, 2021, Peoples sabotage the ignition of my truck so that the key would break off in the on position thus making me unable to start the truck.
 - e. From August 31, 2021, through September 3, 2021, Nolan refused to repair the ignition switch on my truck or rent a suitable replacement truck thus locking me out of work. A truck ignition switch is a common part that can be easily procured and installed by a mechanic in 20 minutes.
3. Respondent's adverse action followed my protected activity within such a time frame as to raise an inference of retaliatory motivation.

IV. A. ISSUE/BASIS

UNEQUAL PAY – JULY 23, 2021, THROUGH AUGUST 31, 2021, DUE TO AGE

B. PRIMA FACIE ALLEGATIONS

1. My age at the time of harm was 70.
2. My performance as Spotter met Respondent's legitimate expectations. I worked as Respondent's clement SRC Logistics, located at 1023 E. Laraway Rd Joliet, IL, 60433.

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3. From July 23, 2021, through August 31, 2021, Wayne Nolan, Owner, did not pay me for all hours worked and my overtime hours.
 - a. Nolan skimmed 30 minutes a day from my pay since day one.
 - b. On August 6, 2021, I noticed that my direct deposit was \$ 738.77, however my gross pay should have been \$984.37, therefore making my net pay \$807. Nolan shorted my check 2.5 hours of overtime pay.
 - c. On August 13, 2021, Nolan shorted me of overtime pay, I was paid 2.5 hours at \$24 when I should have been \$33.75.
 - d. On August 20, 2021, Nolan paid me only 0.86 hours of overtime instead of 2.5 hours.
 - e. On August 27, 2021, Nolan paid me only 0.85 hours of overtime instead of 2.5 hours.
4. Respondent treated similarly situated employees under the age of 40 or those significantly younger than me, were treated more favorably.

V. A. ISSUE/BASIS
CONSTRUCTIVE DISCHARGE – SEPTEMBER 3, 2021, DUE TO AGE

B. PRIMA FACIE ALLEGATIONS

1. My age at the time of harm was 70.
2. My performance as Spotter met Respondent's legitimate expectations. I worked as Respondent's clement SRC Logistics, located at 1023 E. Laraway Rd Joliet, IL, 60433.
3. From July 12, 2021, through September 3, 2021, I was harassed in Respondent's workplace by Wayne Nolan, Owner, and Darryl Peoples, co-worker and I was subjected to unequal pay. From August 31, 2021, through September 3, 2021, Nolan refused to repair the ignition on my truck or rent a suitable replacement truck thus locking me out of work.
4. Due to the continuing harassment and discriminatory conditions of my employment, I concluded that Respondent did not want me employed the and thus constructed a work environment so in tolerable that no reasonable minded person could continue to work effectively within such and environment. Consequently, I had no alternative but to resign from Respondent on September 3, 2021.

Charge Number: 2022CA1047

Complainant: Howard Grant

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**VI. A. ISSUE/BASIS
CONSTRUCTIVE DISCHARGE – SEPTEMBER 3, 2021, DUE TO RACE**

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. My performance as Spotter met Respondent's legitimate expectations. I worked as Respondent's clement SRC Logistics, located at 1023 E. Laraway Rd Joliet, IL, 60433.
3. From July 12, 2021, through September 3, 2021, I was harassed in Respondent's workplace by Wayne Nolan, Owner, and Darryl Peoples, co-worker and I was subjected to unequal pay. From August 31, 2021, through September 3, 2021, Nolan refused to repair the ignition on my truck or rent a suitable replacement truck thus locking me out of work.
4. Due to the continuing harassment and discriminatory conditions of my employment, I concluded that Respondent did not want me employed the and thus constructed a work environment so in tolerable that no reasonable minded person could continue to work effectively within such and environment. Consequently, I had no alternative but to resign from Respondent on September 3, 2021.

**VII. A. ISSUE/BASIS
RETALIATION – SEPTEMBER 3, 2021, IN RETALIATION FOR
OPPOSING UNLAWFUL DISCRIMINATION**

B. PRIMA FACIE ALLEGATIONS

1. On August 23, 2021, I participated in a protected activity when I told my coworker Darryl Peoples, that we should file a discrimination case against Wayne Nolan, Owner, due to unequal pay issues. I believe that Peoples told Nolan that I was planning on filing a discrimination charge against him.
2. From August 23, 2021, through September 3, 2021, I was harassed, and I was subjected to unequal pay. From August 31, 2021, through September 3, 2021, Nolan refused to repair the ignition on my truck or rent a suitable replacement truck thus locking me out of work.
3. Respondent's adverse action followed my protected activity within such a time frame as to raise an inference of retaliatory motivation.

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4. **Due to the continuing harassment and discriminatory conditions of my employment, I concluded that Respondent did not want me employed the and thus constructed a work environment so in tolerable that no reasonable minded person could continue to work effectively within such and environment. Consequently, I had no alternative but to resign from Respondent on September 3, 2021.**